

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

| | | |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 2:21-cv-12570 |
| Plaintiff, |) | Hon. Gershwin A. Drain |
| |) | |
| v. |) | |
| |) | |
| JAMES J. KELLY, JR., |) | |
| Defendant. |) | |

_____ ///

Answer and Affirmative Defenses

Defendant, by his attorney, and for his Answer and Affirmative Defenses, respectfully states as follows:

Answer

1. Paragraph 1 states a legal conclusion for which no answer is required.
2. Admitted.
3. Paragraph 3 states a legal conclusion for which no answer is required.
4. Paragraph 4 states a legal conclusion for which no answer is required.
5. Paragraph 5 states a legal conclusion for which no answer is required.
6. Paragraph 6 states a legal conclusion for which no answer is required.
7. Paragraph 7 states a legal conclusion for which no answer is required.

8. Paragraph 8 states a legal conclusion for which no answer is required.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted with the exception of the referenced date of November 2007, for which Defendant lacks knowledge and information sufficient to form a belief as to the truth of that allegation.
13. Denied as untrue.
14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14.
15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15.
16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16.
17. Upon information and belief as to the referenced dates, admitted.
18. Upon information and belief as to the referenced dates, admitted.
19. Denied as untrue.
20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21.
22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22.
23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23.
24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24.
25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25.
26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26.
27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27.
28. Upon information and belief as to dates, admitted.
29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29.
30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30.
31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39.

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43.

44. Upon information and belief as to dates and years, admitted.

45. Denied as untrue.

46. Denied as untrue.

47. Denied as untrue.

48. Denied as untrue.

49. Denied as untrue.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54.

55. Defendant incorporates his responses to paragraphs 1-54, as if fully set forth.
56. Paragraph 56 states a legal conclusion for which no answer is required.
57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57.
58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58.
59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59.
60. Denied as untrue.
61. Denied as untrue.
62. Paragraph 62 states a legal conclusion for which no answer is required.
63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63.
64. Denied as untrue.
65. Denied as untrue.
66. Defendant incorporates his responses to paragraphs 1-65, as if fully set forth.
67. Admitted.
68. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 68.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70.

71. Paragraph 71 states a legal conclusion for which no answer is required.

72. Paragraph 72 states a legal conclusion for which no answer is required.

Affirmative Defenses

1. The complaint fails to state a claim upon which relief may be granted.

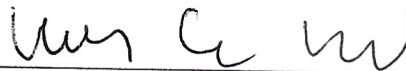
2. Defendant did not act with willfulness.

3. The claim(s) is/are barred by the applicable statute of limitations.

4. Defendant reserves the right to add affirmative defenses.

Wherefore, Defendant respectfully requests entry of an order dissolving any existing injunctive or equitable relief, dismissing this case with prejudice and in its entirety, and awarding any additional relief deemed appropriate, including fees and costs.

Respectfully submitted,



Charles A. Haas (P14486)
33680 Five Mile Rd.
Livonia, MI 48154
313-532-0770

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| Defendant. |) | |
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PROOF OF SERVICE

The undersigned attorney for Defendant states and certifies that, on this 27th day of November, 2021, he caused Defendant's Answer and Affirmative Defenses, to be served upon the counsel for Plaintiff, United States of American, through the Court's e-filing and e-service system.

Respectfully submitted,



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